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SEP 01 2005

OFFICE OF PETITIONS

In re Application of :
Coombs, et al. :
Application No. 10/792,291 :
Filed: March 2, 2004 :
Attorney Docket No.: NAGACO.074A :

**DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)**

This is a decision on the "Request for Reconsideration of Petition under 37 CFR § 1.47(a)" filed March 3, 2005.

The petition is **GRANTED**.

The above-identified application was filed on March 2, 2004, without an executed oath or declaration. James H., Coombs, John F. Gordon, Brigitte C. Phan and Joseph R. I. Urcia were named as joint inventors. In response to a Notice to File Missing Parts of Nonprovisional Application, mailed May 25, 2004, applicants filed the initial petition under §1.47(a)(and fee) and late surcharge under §1.16(e).

However, the petition was dismissed because the declaration submitted was not acceptable because it was not executed by all of the available joint inventors on behalf of themselves and on behalf of the nonsigning inventors John F. Gordon and Joseph R. I. Urcia.

The present petition includes declarations executed in combination by all of the available joint inventors on behalf of themselves and nonsigning joint inventors John F. Gordon and Joseph R. I. Urcia.

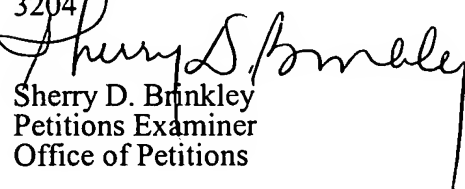
The declarations and the petition have been reviewed and found in compliance with 37 C.F.R. § 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1641 for appropriate action, including notifying applicant of the new status of this application.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3204


Sherry D. Brinkley
Petitions Examiner
Office of Petitions



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MR. JOHN F. GORDON
20 NEW JERSEY
IRVINE, CA 92606

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OFFICE OF PETITIONS

LETTER

In re Application of :
James H. Coombs, et al. :
Application No. 10/792,291 :
Filed: March 2, 2004 :
For: METHODS AND APPARATUS FOR USE :
IN DETECTION AND QUANTITATION OF :
VARIOUS CELL TYPES AND USE OF OPTICAL :
BIO-DISC FOR PERFORMING SAME :

Dear Mr. Gordon:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3204. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
For Patent Examination Policy

cc: DONALD BOLLELLA
DB TECHNICAL CONSULTING
126 ALMADOR
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MR. JOSEPH R. I. URCIA
8511 MARION AVENUE
WESTMINSTER, CA 92683

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OFFICE OF PETITIONS

LETTER

In re Application of :
James H. Coombs, et al. :
Application No. 10/792,291 :
Filed: March 2, 2004 :
For: METHODS AND APPARATUS FOR USE :
IN DETECTION AND QUANTITATION OF :
VARIOUS CELL TYPES AND USE OF OPTICAL :
BIO-DISC FOR PERFORMING SAME :

Dear Mr. Urcia:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

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